

12/19/01
JC65 U.S. PTO

12-27-01
A

Practitioner's Docket No. 17396/09015

PATENT

Preliminary Classification:
Proposed Class: 504
Subclass:

10/026301
JC781 U.S. PTO
12/19/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application
Commissioner for Patents
P.O. Box 2327
Arlington, VA 22202

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): Maurice R. De Billot; Schalk Van Wyk; T.E.M. Odendaal; Dennis Paul Phillion; Jeffrey

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

deposited with the United States Postal Service in an envelope addressed to Box Patent Application, Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202

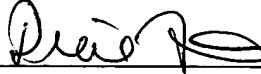
37 CFR 1.8a
 with sufficient postage as first class mail.

37 CFR 1.10

as "Express Mail Post Office to Addressee" Mailing Label
No. ET938670248US

TRANSMISSION

facsimile transmitted to the Patent and Trademark Office, 703


Signature

Date: December 19, 2001

Diane Filatov

Type or print name of person certifying

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

S. Coultas; Ernest F. Sanders; Greg A. Penner; Jawed Asrar; Michael K. Stern

For (title): METHOD OF IMPROVING YIELD AND VIGOR OF PLANTS

1. Type of Application

This transmittal is for an original (nonprovisional) application.

2. Papers Enclosed

A. Required for filing date under 37 C.F.R. 1.53(b) (Regular) or 37 C.F.R. 1.153 (Design) Application

70 Page(s) of Specification (including Title Page)

38 Page(s) of Claims

7 Sheet(s) of Drawing(s)--Informal

B. Other Papers Enclosed

1 Page(s) of abstract

8 Page(s) of Patent Application Data Sheet

3. Declaration or Oath

Not Enclosed.

Application is made by a person authorized under 37 C.F.R. Section 1.41(c) on behalf of all of the above-named inventors.

4. Inventorship Statement

The inventorship for all the claims in this application is the same.

5. Language

English

6. Fee Calculation (37 C.F.R. Section 1.16)

Regular Application

| CLAIMS AS FILED | | | | | |
|--|--------------|---------------------|--------------|----------|---|
| Claims | Number Filed | Basic Fee Allowance | Number Extra | Rate | Basic Fee 37 CFR 1.16(a) \$740.00 |
| Total Claims (37 CFR 1.16(c)) | 75 | - 20 = | 55 x | \$18.00 | \$990.00 |
| Independent Claims (37 CFR 1.16(b)) | 9 | - 3 = | 6 x | \$84.00 | \$504.00 |
| Multiple Dependent Claim(s), if any (37 CFR 1.16(d)) | | | + | \$280.00 | \$0.00 |
| Filing Fee Calculation | | | | | \$2,234.00 |

7. Fee Payment Being Made at This Time

Enclosed

Filing Fee **\$2,234.00**

Total Fees Enclosed **\$2,234.00**

8. Method of Payment of Fees

Check in the amount of \$2,234.00 is attached.

9. **Authorization to Charge Additional Fees**

The Commissioner is hereby authorized to charge additional fees of this application to Account No. 50-1196.

10. **Instructions as to Overpayment**

Credit Account No. 50-1196.

11. **Relate Back**

This application claims the benefit of U.S. Provisional Application No.:

APPLICATION NO.

60/257,502

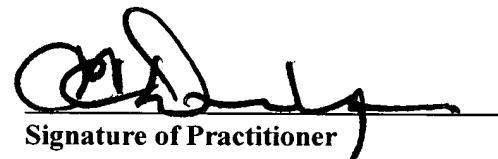
FILING DATE

12/22/2000

Date: 12/19/01

Reg. No.: 35,124

Tel. No.: 864-259-2238



Signature of Practitioner

Charles E. Dunlap
Nelson Mullins Riley & Scarborough
Keenan Building, Third Floor
1330 Lady Street
Columbia, SC 29201

12/19/01

JC965 U.S. PTO

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 2234.00)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Complete if Known

| | |
|----------------------|-----------------------------|
| Application Number | Unknown |
| Filing Date | 12/19/2001 |
| First Named Inventor | Maurice R. De Billot et al. |
| Examiner Name | Unknown |
| Group Art Unit | |
| Attorney Docket No. | 17396/09015 |

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **50-1196**
Deposit Account Name **Nelson Mullins Riley...**

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

Applicant claims small entity status. See 37 CFR 1.27

2. Payment Enclosed:

Check Credit card Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|----------------------------|----------------------------|-------------------------------|---------------|
| 101 | 740 | 201 370 Utility filing fee | 740.00 |
| 106 | 330 | 206 165 Design filing fee | |
| 107 | 510 | 207 255 Plant filing fee | |
| 108 | 740 | 208 370 Reissue filing fee | |
| 114 | 160 | 214 80 Provisional filing fee | |

SUBTOTAL (1) (\$ 740.00)

2. EXTRA CLAIM FEES

| Total Claims | Independent Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------------|--------------|----------------|---------------|
| 75 | -20** | 55 | 18.00 | 90.00 |
| 9 | - 3** | 6 | 84.00 | 504.00 |
| Multiple Dependent | | | | |

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description |
|----------------------------|----------------------------|--|
| 103 | 18 | 203 9 Claims in excess of 20 |
| 102 | 84 | 202 42 Independent claims in excess of 3 |
| 104 | 280 | 204 140 Multiple dependent claim, if not paid |
| 109 | 84 | 209 42 ** Reissue independent claims over original patent |
| 110 | 18 | 210 9 ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$1494.00)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

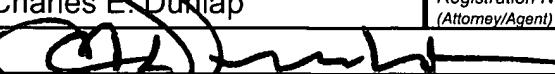
| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|----------------------------|----------------------------|---|----------|
| 105 | 130 | 205 65 Surcharge - late filing fee or oath | |
| 127 | 50 | 227 25 Surcharge - late provisional filing fee or cover sheet | |
| 139 | 130 | 139 130 Non-English specification | |
| 147 | 2,520 | 147 2,520 For filing a request for ex parte reexamination | |
| 112 | 920* | 112 920* Requesting publication of SIR prior to Examiner action | |
| 113 | 1,840* | 113 1,840* Requesting publication of SIR after Examiner action | |
| 115 | 110 | 215 55 Extension for reply within first month | |
| 116 | 400 | 216 200 Extension for reply within second month | |
| 117 | 920 | 217 460 Extension for reply within third month | |
| 118 | 1,440 | 218 720 Extension for reply within fourth month | |
| 128 | 1,960 | 228 980 Extension for reply within fifth month | |
| 119 | 320 | 219 160 Notice of Appeal | |
| 120 | 320 | 220 160 Filing a brief in support of an appeal | |
| 121 | 280 | 221 140 Request for oral hearing | |
| 138 | 1,510 | 138 1,510 Petition to institute a public use proceeding | |
| 140 | 110 | 240 55 Petition to revive - unavoidable | |
| 141 | 1,280 | 241 640 Petition to revive - unintentional | |
| 142 | 1,280 | 242 640 Utility issue fee (or reissue) | |
| 143 | 460 | 243 230 Design issue fee | |
| 144 | 620 | 244 310 Plant issue fee | |
| 122 | 130 | 122 130 Petitions to the Commissioner | |
| 123 | 50 | 123 50 Processing fee under 37 CFR 1.17(q) | |
| 126 | 180 | 126 180 Submission of Information Disclosure Stmt | |
| 581 | 40 | 581 40 Recording each patent assignment per property (times number of properties) | |
| 146 | 740 | 246 370 Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 | 740 | 249 370 For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 179 | 740 | 279 370 Request for Continued Examination (RCE) | |
| 169 | 900 | 169 900 Request for expedited examination of a design application | |

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$ 0.00)

SUBMITTED BY

Complete (if applicable)

| | | | | | |
|-------------------|---|-----------------------------------|--------|-----------|--------------|
| Name (Print/Type) | Charles E. Dunlap | Registration No. (Attorney/Agent) | 35,124 | Telephone | 864-250-2238 |
| Signature |  | | | Date | 12/19/2001 |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

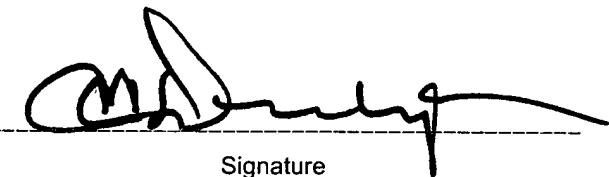
**REQUEST TO RESCIND PREVIOUS
NONPUBLICATION REQUEST
35 U.S.C. 122(b)(2)(B)(ii)**

| | |
|----------------------|-------------------------------------|
| Application Number | 60/257,502 |
| Filing Date | December 22, 2000 |
| First Named Inventor | Maurice De Billot et al. |
| Title | Method of Improving Yield and Vigor |
| Atty Docket Number | 17396/09015 |
| Group Art Unit | Unknown |
| Examiner | Unknown |

I hereby **rescind** the previous request that the above-identified application not be published under 35 U.S.C. 122(b).

12/19/01

Date



Signature

Charles E. Dunlap

Typed or printed name

Reg. No. 36,124

This request must be signed in compliance with 37 CFR 1.33(b).

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(b). The information is used by the public to rescind a previously filed request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that rescission). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: De Billot, Maurice R.; Van Wyk, Schalk; Odendaal, T.E.M.; Phillion, Dennis Paul; Coultas, Jeffrey S.; Sanders, Ernest F.; Penner, Greg A.; Asrar, Jawed; and Stern, Michael K.

Application No.: Not yet assigned

Group No.: Unknown

Filed: 12/19/2001

Examiner: Unknown

For: METHOD OF IMPROVING YIELD AND VIGOR OF PLANTS

Box Patent Application
Commissioner for Patents
P.O. Box 2327
Arlington, VA 22202

EXPRESS MAIL CERTIFICATE

"Express Mail" label number ET938670248US

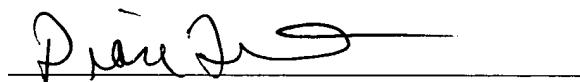
Date of Deposit 12/19/2001

I hereby state that the following *attached* papers or fees

1. Fee Transmittal (1 page).
2. Request to Rescind Previous Nonpublication Request (1 page).
3. New Application Transmittal (4 pages).
4. Patent Application Data Sheet (8 pages).
5. Patent Application, Title Page - Abstract (109 pages).
6. Informal Drawings, Figures 1 - 9 (7 pages).
7. Check for \$2,234.00
8. Return Postcard.

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. section 1.10, on the date indicated above and is addressed Box Patent Application, Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202..

Diane Filatov



Signature of person mailing paper or fee